

**STATE OF TEXAS  
COUNTY OF DENTON  
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a work session and special session on May 31, 2016 at 6:00 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor  
Tracee Elrod, Councilmember Place 1  
Richard DuPree, Councilmember Place 2  
Chris Gordon, Councilmember Place 3  
Paul Kenney, Councilmember Place 4  
Ian Theodore, Councilmember Place 5 arrived at 6:08 p.m.

Also in attendance were:

Kristi K. Rogers, Town Secretary  
Carey Dunn, Chief of Police  
Jeffrey McSpedden, Director of Public Works  
Chris Chaudoir, Administrative Assistant  
Dorwin Sargent, Town Attorney

**Work Session**

Mayor Clark called the work session to order at 6:00 p.m.

**Item B – Work Session Items**

**B (1) – Presentation from Denton County Emergency Services District (ESD) No.1 regarding fire services.**

Chief Mac Hohenberger, Denton County Emergency Service No. 1, presented an overview of the fire and emergency services the district provides to Argyle, Bartonville, Copper Canyon, Double Oak, North Lake and Lantana.

Mayor Clark called the special session to order at 6:46 p.m.

The Pledge of Allegiance was led by Eagle Scout Candidate Eric Robinson representing Troop 424.

The invocation was led by the Honorable Bobbie J. Mitchell, Denton County Commissioner Precinct 3.

**Presentation of Awards**

Mayor Clark presented Porter Walker a plaque of appreciation for her service on the Parks and Recreation Board.

Mayor Clark presented plaques of appreciation to Cody Coleman, Eric Robinson, Harrison Smith and Seth Terry for completion of Eagle Scout projects in Hickory Creek.

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**Items of Community Interest**

Community Yoga will be held on June 11th at 9:00 a.m. under the pavilion in Sycamore Bend Park.

A survey is available on the town's website seeking citizen input for future usage of approximately ten acres of land located near Sycamore Bend Park.

The public works department did a great job preparing the parks for the Memorial Day holiday despite inclement weather and vandalism that occurred.

Citizens on Patrol is commended for providing assistance to the police department on a hot Saturday afternoon, directing traffic on the service road.

**Public Comment**

There were no speakers for public comment at this meeting.

**Item D - Public Hearing**

No public hearing.

**Item E – Consent Agenda Items**

1. April 2016 Police Report
2. April 2016 Fire Report
3. April 2016 Court Report
4. April 2016 Building Report
5. April 2016 Council Meeting Minutes
6. April 2016 Financial Statements
7. Consider and act on a resolution approving a change in the rates of Atmos Energy Corporation, Mid-Tex Division as a result of a settlement between Atmos and the Atmos Texas Municipalities.

**Motion:** made by Councilmember DuPree to approve consent agenda Items E1 – E7. Motion seconded by Councilmember Kenney.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item F– Regular Agenda Items**

**F (1) – Ceremonial Oaths of Office and Presentation of Certificates of Election to newly elected Mayor and Councilmembers.**

John M. Smith, Jr. administered the Oath of Office to Mayor Lynn C. Clark.

Mayor Lynn C. Clark administered the Oath of Office to Councilmember Tracee Elrod, Councilmember Richard Dupree, Councilmember Paul Kenney and Councilmember Ian Theodore.

**F (2) - Consider and act on an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 7: Municipal Court; Article 7.01 General Provisions.**

**Motion:** made by Councilmember Gordon to approve an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 7: Municipal Court; Article 7.01 General Provisions. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (3) - Consider and act on an ordinance of the Town of Hickory Creek, Texas appointing a presiding judge and an alternate judge for Municipal Court of Record No. 1.**

**Motion:** made by Councilmember Gordon to approve an ordinance of the Town of Hickory Creek, Texas appointing Kyle Knapp as presiding judge and Stephanie Berry as alternate judge for Municipal Court of Record No. 1. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (4) - Oath of Offices, Presiding Judge and Alternate Judge.**

Mayor Lynn C. Clark administered the Oath of Office to Kyle Knapp, Presiding Judge and Stephanie Berry, Alternate Judge.

**F (5) - Consider and act on a final plat for Shadow Creek Estates Phase II described as Lots A3, A5 & 23 through 27, Block A; Lots C3 & 3 through 12, Block C; Lots 1 through 8, Block D; Lots 1 through 18, Block E being 15.497 acres of land situated in the M.E.P. & P.R.R Co. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas and a replat of Harbor Grove Estates Section II Lot 13, Block K being .220 acres of land situated in the John Maloney Survey, Abstract No. 819, Town of Hickory Creek, Denton County, Texas.**

**Motion:** made by Councilmember Gordon to approve Item F (5) as presented. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (6) - Consider and act on a replat for Country Oaks Estates described as being all of lots 6A, 6B, and 9 through 13, Country Oaks Estates Subdivision, an addition to the Town of Hickory Creek, Denton County, Texas.**

**Motion:** made by Councilmember Kenney to approve Item F (6) as presented. Motion seconded by Councilmember Gordon.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (7) - Consider and act on a resolution applying for a grant from the Body-Worn Camera Program through the Criminal Justice Division of the Texas Governor's Office.**

**Motion:** made by Councilmember Kenney to approve a resolution applying for a grant from the Body-Worn Camera Program through the Criminal Justice Division of the Texas Governor's Office. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (8) - Interview applicants for the Economic Development Corporation and Parks and Recreation Board.**

No action taken.

**F (9) - Consider and act on appointments to the Code of Ethics Board.**

Lynn Clark would like to reappoint Bob Smith, Tracee Elrod would like to reappoint Kim Krill, Richard DuPree would like to reappoint Mary Jean Fields, Paul Kenney would like to appoint Drew Pickard and Ian Theodore would like to appoint Rick Carruth.

**Motion:** made by Councilmember Gordon to approve the reappointments and appointments as presented. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (10) - Consider and act on appointments to the Economic Development Corporation.**

No action taken.

**F (11) - Consider and act on appointments to the Parks and Recreation Board.**

**Motion:** made by Councilmember Kenney to reappoint Craig Donham to Place 2 and Kerby Pierce to Place 4. Motion seconded by Councilmember Gordon

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (12) - Consider and act on appointments to the Planning and Zoning Commission.**

**Motion:** made by Councilmember Kenney to reappoint Rodney Barton to Place 2, Bryant Hawkes to Place 4 and Jan Stefaniak to Place 6. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (13) - Consider and act on appointment of Mayor Pro Tem.**

**Motion:** made by Councilmember Gordon to appoint Councilmember Paul Kenney as Mayor Pro Tem. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, and Councilmember Theodore.

**Nays:** None

**Abstained:** Councilmember Kenney.

**MOTION PASSED**

**F (14) - Consider and act on bids submitted for the 2016 Hickory Creek Parks Restroom Facilities.**

**Motion:** made by Councilmember Gordon to accept the bid from Schmoldt Construction for the 2016 Hickory Creek Parks Restroom Facilities in an amount not to exceed \$140,000. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (15) - Consider and act on Change Order No. 1 and Change Order No. 2 for the Main Street Reconstruction and Hickory Creek CIP project.**

**Motion:** made by Councilmember Gordon to approve Change Order No. 1 for \$4,673.90 and Change Order No. 2 for \$3,232.20 for the Main Street Reconstruction and Hickory Creek CIP project. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (16) - Consider and act on Change Order No. 1 and Change Order No. 2 for the 2016 Hickory Creek Sidewalk & Pavement Repairs.**

**Motion:** made by Councilmember Elrod to approve Change Order No. 1 and Change Order No. 2 for the 2016 Hickory Creek Sidewalk & Pavement Repairs in an amount not to exceed \$85,000.00. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (17) - Consider and act on allocating funds for marketing.**

**Motion:** made by Councilmember Gordon to approve allocating \$2,000.00 for marketing. Motion seconded by Councilmember Kenney.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**F (18) - Consider and act on authorizing the town administrator to obtain request for qualifications for town hall expansion.**

No action taken.

**Item G - Executive Session: The Town Council convened into executive session at 7:57 p.m. pursuant to Chapter 551 of the Texas Government Code Section 551.071, Consultation with City Attorney and other legal counsel on matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation and Section 551.072, Deliberation regarding real property to deliberate the purchase, exchanges, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party and Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, dismissal, duties, and discipline of a public officer or employee and to take any action.**

1. Town Administrator and Directors.
2. Discussion regarding property located in the J. Maloney Survey, Abstract 819 and the J.W. Hicks Survey, Abstract No. 567.
3. Discussion regarding confidential contractual negotiations for the provision of fire services.

**Item H - Reconvene into Open Session: The Town Council reconvened into open session at 10:46 p.m.**

**Motion:** made by Councilmember Gordon for the town administrator to take action as directed in executive session. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item I – Adjournment**

**Motion:** made by Councilmember Theodore to adjourn the meeting. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

The meeting did then stand adjourned at 10:49 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek